

MATTHEW SIMINERI :

HONORABLE LINDA K. CARACAPPA
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **MAG. NO. 16-624-3-M**
 :
 MATTHEW SIMINERI :

**GOVERNMENT'S MOTION FOR THIRD EXTENSION AND
EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America, by the undersigned attorney, with the consent of the defendant and his counsel, moves the court pursuant to 18 U.S.C. § 3161(h)(8)(A) for a third extension of the time within which the government must file an indictment or information in this case and the exclusion of time under the Speedy Trial Act, and in support thereof avers as follows:

1. On May 19, 2016, defendant Matthew Simineri was charged by Complaint and Warrant with one count of use of an interstate commerce facility to entice a minor to engage in illicit sexual conduct, in violation of 18 U.S.C. § 2422(b), and one count of using a child to pose for child pornography images, in violation of 18 U.S.C. § 2251(a).

2. Defendant Simineri was brought before the Magistrate Court that same date, May 19, 2016, at which time the Federal Defender's Office was appointed to represent him. On May 23, 2016, Simineri was arraigned and stipulated to probable cause. A detention hearing was held on that date and the defendant was detained pending trial.

3. The original date by which the government was to file an indictment or information was June 15, 2016, but was extended based on defense counsel's request for additional time to complete mental health evaluations of the defendant and gather information

regarding his schooling and mental health background. The court granted a total of 90 days' extension, to September 15, 2016.

4. Counsel now requests an additional 30 days' time pursuant to 18 U.S.C. § 3161 within which an indictment or information must be filed, to resolve one last issue with regard to the defendant's mental health status.

5. The charges in this case are serious and involve mandatory periods of incarceration of at least 15 years, a statutory maximum of life imprisonment, and a preliminary Guideline range calculation of at least 292 to 365 months' incarceration. It is in the best interests of both parties to consider the information being collected by defense counsel before any final decision is made on indictment. Such a disposition would serve the public interest by more efficiently allocating judicial resources should a non-trial disposition be reached.

7. The defendant consents to the extension of time and agrees to waive all rights under the Speedy Trial Act.

WHEREFORE, to prevent a miscarriage of justice, the parties respectfully request that the Court grant this motion and enter the attached order for extension and exclusion of time under the Speedy Trial Act.

Respectfully submitted,

ZANE DAVID MEMEGER
United States Attorney

/s Michelle Rotella
MICHELLE ROTELLA
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion for Extension and Exclusion of Time under the Speedy Trial Act has been served by me this date, by e-filing and email delivery, upon the following:

Kathleen Gaughan, Assistant Federal Defender
Federal Defenders' Association
The Curtis Center - Suite 540 West
Independence Square West
Philadelphia, PA 19106
Kathleen_Gaughan@fd.org

/s Michelle Rotella
MICHELLE ROTELLA
Assistant United States Attorney

DATED: September 13, 2016.